

**UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
WACO DIVISION**

**Midas Green Technologies, LLC,**

Plaintiff,

- vs. -

**Rhodium Enterprises, Inc.;**  
**Rhodium Technologies LLC;**  
**Rhodium 10mw LLC;**  
**Rhodium 2.0 LLC;**  
**Rhodium 30mw LLC;**  
**Rhodium Encore LLC;**  
**Rhodium Industries LLC;**  
**Rhodium JV LLC;**  
**Rhodium Renewables LLC;**  
**Rhodium Shared Services LLC;**  
**Rhodium Shared Services PR Inc.;**  
**Chase Blackmon;**  
**Cameron Blackmon;**  
**Nathan Nichols;**  
**Rhodium 2.0 Sub LLC;**  
**Rhodium Encore Sub LLC;**  
**Rhodium Renewables Sub LLC;**  
**Rhodium Ready Ventures LLC;**  
**Rhodium 10MW Sub LLC;**  
**Rhodium 30MW Sub LLC;**  
**i Ventures Enterprises LLC (fka Energy**  
**Tech LLC);**  
**Air HPC LLC;**  
**Jordan HPC LLC; and**  
**Jordan HPC Sub LLC.**

Defendants.

Civil Action No. 6:22-cv-00050-ADA

**Jury Trial Demanded**

**JOINT MOTION FOR ENTRY OF AMENDED SCHEDULING ORDER**

Pursuant to the Court's Standing Order Governing Proceedings (OGP) 4.2—Patent Cases, Plaintiff Midas Green Technologies, LLC and Defendants Rhodium Enterprises, Inc., Rhodium Technologies LLC, Rhodium 10mw LLC, Rhodium 2.0 LLC, Rhodium 30mw LLC, Rhodium

Encore LLC, Rhodium Industries LLC, Rhodium JV LLC, Rhodium Renewables LLC, Rhodium Shared Services LLC, Rhodium Shared Services PR Inc., Chase Blackmon, Cameron Blackmon, Nathan Nichols, Rhodium 2.0 Sub LLC, Rhodium Encore Sub LLC, Rhodium Renewables Sub LLC, Rhodium Ready Ventures LLC, Rhodium 10MW Sub LLC, Rhodium 30MW Sub LLC, i Ventures Enterprises LLC (fka Energy Tech LLC), Air HPC LLC, Jordan HPC LLC, and Jordan HPC Sub LLC (*i.e.*, all Defendants) hereby provide an amended proposed case schedule and respectfully request that the Court revise the case deadlines as follows:

Event	Current Date	Proposed Date
Deadline for party to produce a privilege log for any emails withheld on the basis of privilege	2/21/2023	2/28/2023
Deadline for Defendants to provide any objections to Midas's deposition topical outline	NA	2/28/2023
Deadline to complete any production required by paragraph 20 of Dkt. 97	2/24/2023	3/3/2023
Last day for Midas to conduct two hour 30(b)(6) deposition on corporate entities	N/A	3/22/2023
Last day for Midas to file final amended complaint	N/A	3/29/23
Last day for Defendants to respond to Midas's third amended complaint	N/A	4/12/2023
Deadline for the first of two meet and confers to discuss significantly narrowing the number of claims asserted and prior art references at issue. Unless the parties agree to the narrowing, they are ordered to contact the Court's law clerk to arrange a teleconference with the Court to resolve the disputed issues.	3/27/2023	7/7/2023

Event	Current Date	Proposed Date
Close of Fact Discovery	4/24/2023	7/28/2023
Opening of Expert Reports	5/1/2023	8/11/2023
Rebuttal Expert Reports	5/30/2023	9/8/2023
Close of Expert Discovery	6/20/2023	9/29/2023
Deadline for the second of two meet and confers to discuss narrowing the number of claims asserted and prior art references at issue to triable limits. If it helps the parties determine these limits, the parties are encouraged to contact the Court's law clerk for an estimate of the amount of trial time anticipated per side. The parties shall file a Joint Report within 5 business days regarding the results of the meet and confer.	6/26/2023	9/29/2023
Last court day to file joint report regarding results of second meet and confer.	7/3/2023	10/6/2023
Dispositive motion deadline and Daubert motion deadline. See General Issues Note #7 regarding providing copies of the briefing to the Court and the technical advisor (if appointed). (Dkt. 54)	7/3/2023	10/5/2023
Last court day to file and serve response to dispositive motion and Daubert motions. ***Note: CV-7(d)(2) may set different deadline to file response. Serve Pretrial Disclosures (jury instructions, exhibits lists, witness lists, discovery and deposition designations).	7/17/2023	10/26/2023
Serve replies to dispositive motions and Daubert motions	7/24/2023	11/2/2023
Serve objections to pretrial disclosures/rebuttal disclosures	7/31/2023	11/8/2023

Event	Current Date	Proposed Date
Parties to jointly email the Court's law clerk (See OGP at 1) to confirm their pretrial conference and trial dates. File joint notice identifying remaining objections to pretrial disclosures and disputes on motions in limine.	8/1/2023	11/9/2023
Last court day to serve objections to rebuttal disclosures; file Motions in limine.	8/7/2023	11/15/2023
File Joint Pretrial Order and Pretrial Submissions (jury instructions, exhibits lists, witness lists, discovery and deposition designations); file oppositions to motions in limine.	8/14/2023	11/20/2023
File Notice of Request for Daily Transcript or Real Time Reporting. If a daily transcript or real time reporting of court proceedings is requested for trial, the party or parties making said request shall file a notice with the Court and email the Court Reporter, Kristie Davis at <a href="mailto:kmdaviscsr@yahoo.com">kmdaviscsr@yahoo.com</a>  Deadline to meet and confer regarding remaining objections and disputes on motions in limine.	8/21/2023	11/20/2023
Last court day for parties to jointly email to Judge's law clerks text-editable chart listing each motion in limine.	8/22/2023	11/22/2023
Last court day for parties to jointly contact court's law clerk for a Box link to submit to chambers unredacted copies of all pending motions and their exhibits, and to jointly send to chambers paper copies of motions without exhibits. ***Note: Parties to also jointly send courtesy email providing Judge's law clerks with list of pending motions.	8/22/2023	11/22/2023

<b>Event</b>	<b>Current Date</b>	<b>Proposed Date</b>
Last court day for party asserting invalidity or noninfringement to give notice to adverse party of information set forth in 35 USC 282.	8/25/2023	12/8/2023
File Joint notice identifying remaining objections to pretrial disclosures and disputes on motions in limine.	9/1/2023	12/8/2023
Re non-jury trial: Last court day to submit proposed final findings of fact and conclusions of law by email to Judge's law clerks.	9/1/2023	12/8/2023
Final Pretrial Conference. Held in person unless otherwise requested.	9/5/2023	12/13/2023
Reminder: Any party that intends to present evidence at trial that requires the use of technology is required to communicate this intention to court staff in advance of commencement of trial.	9/20/2023	12/19/2023
Reminder: Counsel are required to bring physical copies of any depositions that have been taken of any witnesses who will testify at trial.	9/22/2023	12/19/2023
Jury Selection/Trial Date	9/25/2023	1/16/2024

### **CONCLUSION**

The Parties respectfully request that the Court enter the above amended proposed schedule for this case.

DATED: March 14, 2023

Respectfully submitted,

/s/ Joseph E. Thomas

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**CERTIFICATE OF CONFERENCE**

I hereby certify that counsel for Defendants has conferred with counsel for Plaintiff and the parties agree to the relief sought in this motion.

/s/ Kat Li  
Kat Li

**CERTIFICATE OF SERVICE**

I hereby certify that counsel of record who have appeared electronically in this case are deemed to have consented to electronic service and are being served on March 14, 2023 with a copy of this document via the Court's CM/ECF system.

/s/ Kat Li  
Kat Li